IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)
TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR
PRESENT
THE HON'BLE MR JUSTICE G. BIKSHAPATHY
and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT PETITION NO : 11321 of 2004

Between:
S.Sivanandam, S/o. Ilaiah.
Agricultural Market Comittee, Warangal.

..... PETITIONER

AND

1. The Commissioner and Director of Marketing, Govt. of A.P., Secretariat, Hyderabad.
2. The Joint Director of Marketing, Govt. of A.P., Warangal.
3. Sri D.Sanjeevaiah, Agriculture Market Committee, Mulugu.
4. The Person in charge, Agriculture Market Committee, Warangal.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate writ, order or direction more particularly one in the nature of Writ of Certiorari and to call for the records relating to and connected with judgment of the Hon'ble A.P. Administrative Tribunal dated 01/07/2004 rendered in O.A.No.3656/2004 and Memo No. D(3) 1745/2004 dated 26/06/2004 and Memo No. D(3)1745/2004 dated 26/06/2004 of the 1st respondent and quash or set aside the same and consequently direct the respondents 1 & 2 to retain the petitioner in Agriculture Market Committee, Warangal with all consequential benefits

For the Petitioner: MR.P.NAVEEN RAO

For the Respondent No.: GP FOR SERVICES I

The Court Made the Following :

ORAL ORDER: (PER THE HON'BLE SRI JUSTICE G. BIKSHAPATHY)

1. This Writ Petition is filed challenging the order passed by the A.P. Administrative Tribunal in O.A.No. 3650 of 2004 dated 1.7.2004. The O.A. was filed by the petitioner challenging the orders of his transfer from Warangal to Mulugu ordered in proceedings No. D(3)1745/2004 dated 26.6.2004 of Respondent No.1.

2. The prime contention of the learned counsel for the petitioner is that only to accommodate respondent No.3 who did not join Mulgu for more than a year when he was posted, the petitioner is now posted to Mulgu. Thus, he submits that the order of transfer is malafide and aimed at conferring benefit to respondent No.3 who disobeyed the orders of transfer.

3. The learned Tribunal after considering the material on record held that the transfer is quite legal and valid and the same cannot be interfered. The learned counsel for the petitioner, however, tried to submit that the petitioner is stationed at Warangal and that even though he is liable for transfer, the circumstances in which he is transferred warrant interference of this Court and seeks setting aside the order. We are afraid that this contention cannot be accepted. Transfer is an incidence in service and the petitioner is liable to be transferred in the Market Committee's being Junior Marketing Officer. It has been clearly mentioned in G.O.Ms.No. 512 Finance (W&M Department dated 14.06.2004 that the employees are required to be transferred for every four years. Even this benefit has been availed by the petitioner long ago having completed 15 years of service. Thus,

we do not find any ground to be interfered in this Writ Petition and the same is liable to be dismissed.

4. Accordingly this Writ Petition is dismissed. No costs.

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G.BIKSHAPATHI,J

06-07-2004

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B.SESHASAYANA REDDY,J

To

1. The Commissioner and Director of Marketing, Govt. of A.P., Secretariat, Hyderabad.
2. The Joint Director of Marketing, Govt. of A.P., Warangal.
3. Sri D.Sanjeevaiah, Agriculture Market Committee, Mulugu.
4. The Person in charge, Agriculture Market Committee, Warangal.
5. 2 CCs to GP for Services I
6. 2 CD copies.

Kvrm/tnb